

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE  
THOMPSON FARMS/DAVE JOLLY ZONE CHANGE REQUEST  
ZONING MAP AMENDMENT REPORT (#FZC-12-02)  
SEPTEMBER 25, 2012**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Thompson Farms, LLC represented by Dave Jolly for a zoning map amendment in the Evergreen Zoning District. The proposed amendment would change the zoning of the subject property from 'AG-80 Agriculture' to 'I-1 Light Industrial'.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on October 10, 2012 in the 2<sup>nd</sup> Floor Conference Room of the Earl Bennett Building located at 1035 1<sup>st</sup> Ave West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will also hold a public hearing on the proposed zoning map amendment on October 29, 2012. Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the Earl Bennett Building at 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Flathead County Clerk and Records Office at 800 South Main Street in Kalispell.

**I. APPLICATION REVIEW UPDATES**

**A. Planning Board**

This space will contain an update regarding the October 10, 2012 Flathead County Planning Board review of the proposal.

**B. Commission**

This space will contain an update regarding the Flathead County Commission review of the proposal.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicants**

Representative: Dave Jolly  
Thompson Farms, LLC.  
6 Sunset Plaza  
Kalispell, MT 59901

**ii. Technical Assistance**

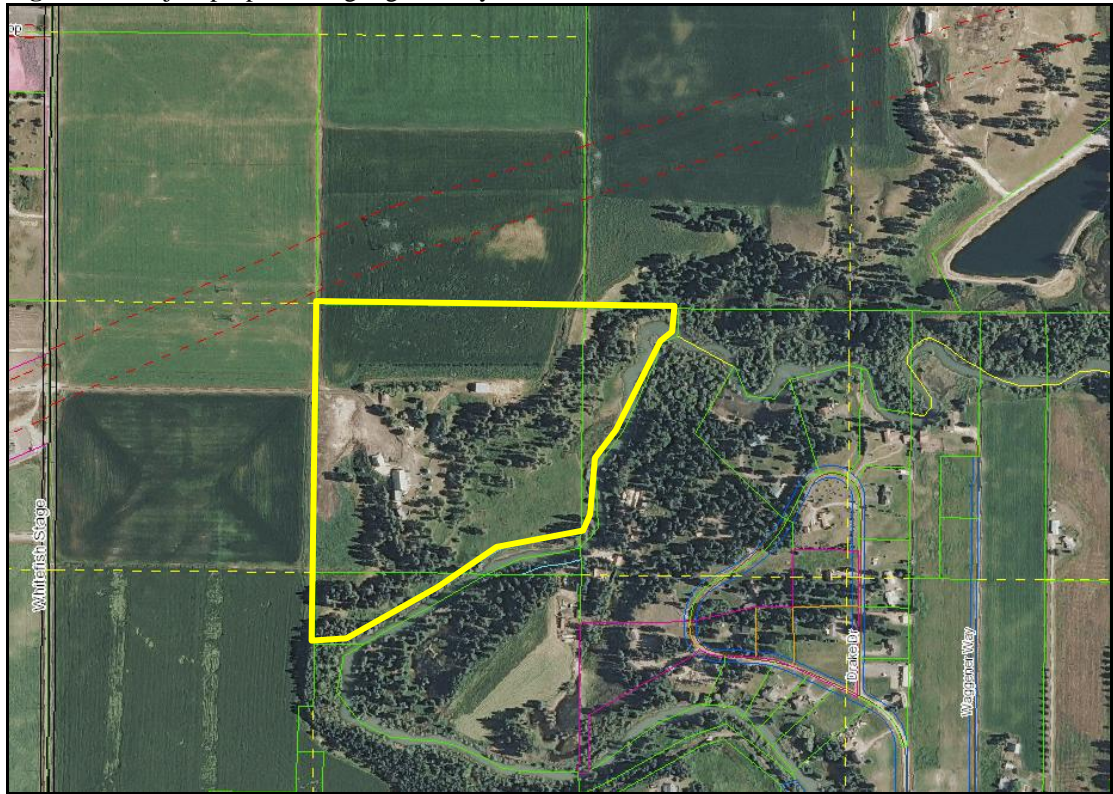
Sands Surveying Inc.  
2 Village Loop  
Kalispell, Mt. 59901

**B. Subject Property Location and Legal Description**

The subject property consists of three adjacent tracts of record totaling 49.6 acres in size which is located east of Whitefish Stage Road and north of West Reserve Drive approximately 0.5 miles from the City of Kalispell. The properties can be legally

described as Tracts 2C, 4, and 6A in Section 29, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject properties highlighted in yellow.

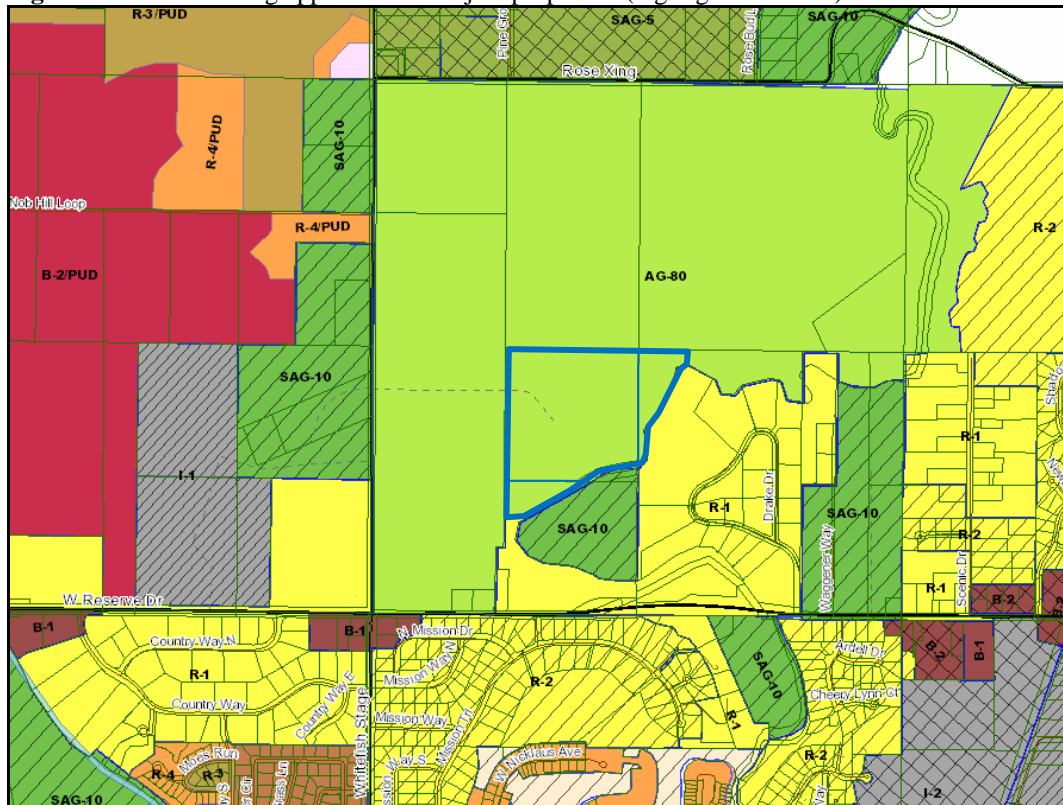


### **C. Proposed Zoning Map Amendment**

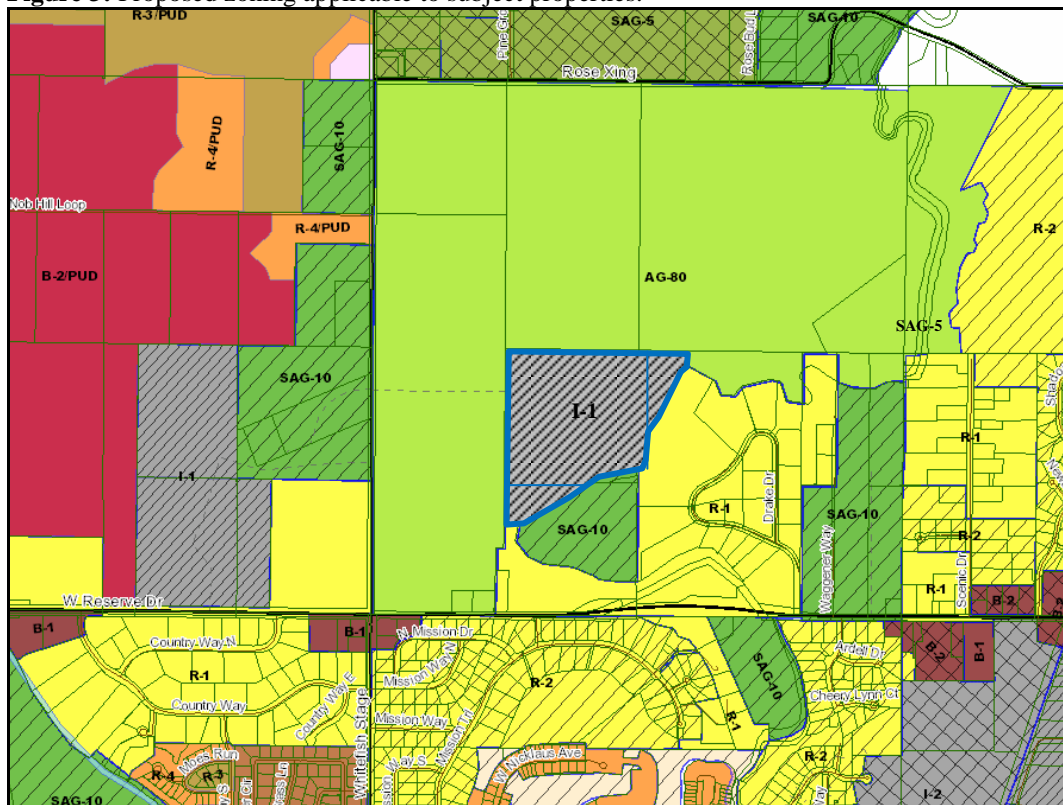
The subject property is located within the Evergreen Zoning District and is currently zoned 'AG-80 Agriculture' (see Figure 2 below). The 'AG-80 Agriculture' district is defined in Section 3.04 of the Flathead County Zoning Regulations (FCZR) as a *"district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development."*

As depicted in Figure 3 below, the applicant has requested the zoning map amendment to allow the property to be zoned 'I-1 Light Industrial', a district defined in Section 3.27 FCZR as a *"district to provide areas of light industrial uses and services that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein."*

**Figure 2:** Current zoning applicable to subject properties (highlighted in blue).



**Figure 3:** Proposed zoning applicable to subject properties.

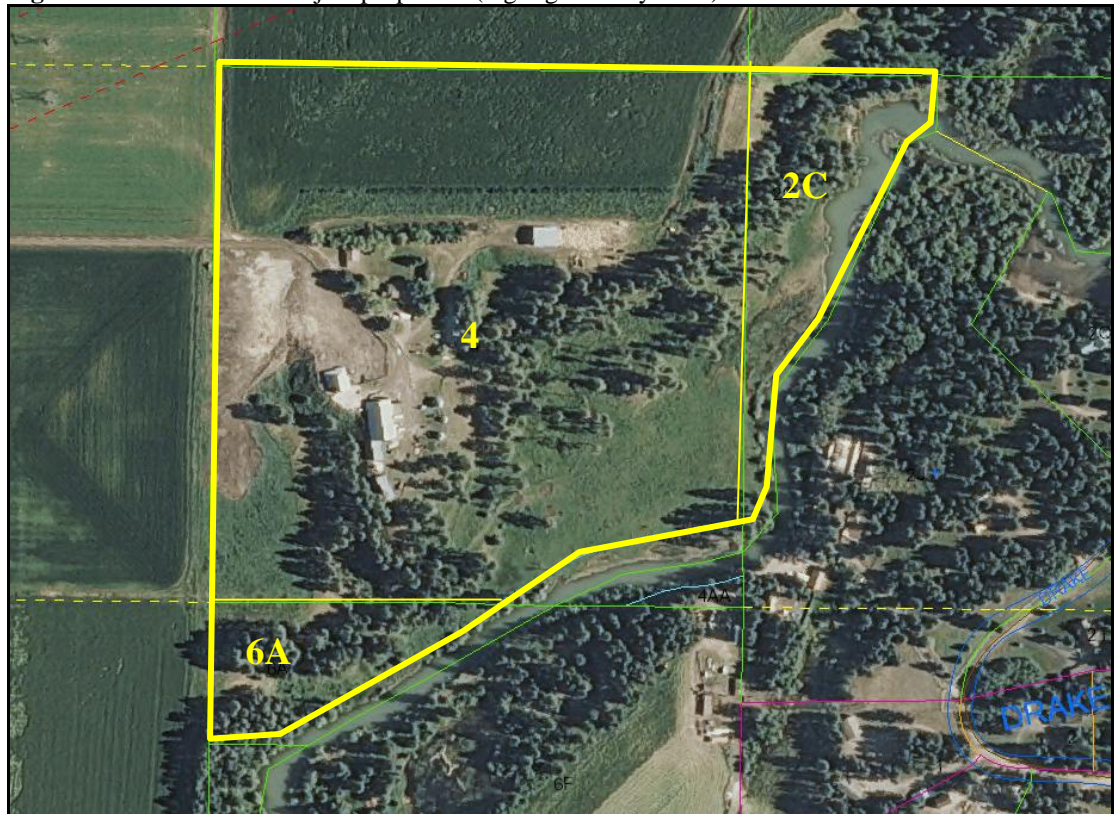




#### **D. General Character of and Reason for Amendment**

The owner of the property is a long time business owner in the community and has developed a successful business just west of the proposed map amendment. The purpose of the requested zoning map amendment is to accommodate the applicants desire to start a new light manufacturing company on the subject property that will potential employ up to 100 persons. The applicant argues, “The Kalispell City-County Master Plan adopted in 1986, which governs land use policy for the subject property, is now outdated as both the City of Kalispell and Flathead County have amended land use policy in the Reserve and Whitefish Stage corridors. The existing AG-80 is a remnant of low density residential zoning that is no longer consistent with neighboring zoning and or land use classifications.” Many of the properties in the area, to the north of the subject property, have been included in neighborhood plans changing the underlying land use and change the zoning in recent years.

**Figure 4:** Aerial view of subject properties (highlighted in yellow)



#### **E. Adjacent Zoning and Character of the Overall Zoning District**

The subject property is located within the Evergreen Zoning District and surrounded by agricultural, suburban agricultural and residential zoning (see Figure 2). Specifically, the property is bordered to the north and west by ‘AG-80 Agricultural,’ to the south by ‘SAG-10 Suburban Agricultural,’ and to the east by ‘R-1 Suburban Residential.’ Beyond the immediate vicinity of the proposal, agricultural, suburban agricultural and residential zoning are prevalent among the established zoning use districts.

The predominant character of the area surrounding the subject property is suburban residential to the east, suburban agricultural to the south and agricultural to the north and west, with residential lot sizes generally ranging from 5 to 18 acres, suburban agricultural lot sizes generally ranging from 0.6 to 20 acres and agricultural lots generally ranging from 9 to 142 acres. The subject property and adjacent parcels to the south and east tend to be wooded and hilly and the Whitefish River occurs within natural depression areas. The adjacent properties to the north and west tend to be flat fields in agricultural use.

When an application appears to have the potential for spot zoning, the “three part test” established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a brief review of the three-part test in relation to this application.

*1. The zoning allows a use that differs significantly from the prevailing use in the area.*

The intent of the currently existing ‘AG-80 Agricultural’ zone is to protect and preserve agricultural land for the performance of wide range of agricultural functions. The proposed ‘I-1 Light Industrial’ zone is intended for light industrial uses and services that typically do not create objectionable by-products which extend beyond the lot lines. The permitted and conditional uses applicable to these zoning classifications are not similar, and the zone change requested would allow types of uses on the subject properties which differ greatly from uses currently allowed under the existing ‘AG-80 Agricultural.’ Another substantial difference between the existing and proposed zoning regards the applicable bulk and dimensional requirements, minimum lot size in the proposed I-1 zoning is 7,500 square feet in comparison to the 80 acre minimum lot size of the current zoning. The subject property is adjacent to properties currently zoned R-1, SAG-10 and AG-80. Allowing the zoning of the subject property to change to I-1 would allow uses on the property that differ significantly from the prevailing uses allowed under the existing zoning on adjacent properties.

The applicant has stated in this case the agricultural use and the light industrial use is a compatible mix and occurs in many areas of the county, including west of the subject property on at the Applied Materials site. The property Applied Materials is located on is a similar size and zoned industrial, and is located in close proximity to the subject property and buffered by agriculture.

Less than one half mile from the subject property is approximately 69 acres zoned I-1, west of Whitefish Stage Road along West Reserve Drive (the Applied Materials site). There is a SAG-10 district west of the subject property across Whitefish Stage Road that is developed with a Bonneville Power Administration substation. And there is a small area of B-1 zoning on the south side of West Reserve Drive at the intersection of Whitefish Stage Road. Within the area of the subject property there is a range of zoning from agriculture to industrial.

Therefore, overall allowing the zoning of the subject property to change to I-1 would allow uses on the property that do not differ significantly from the mix of prevailing uses allowed under the existing zoning in the area.

2. *The zoning applies to a small area or benefits a small number of separate landowners.*

The zoning map amendment would apply to three tracts of land owned by one landowner. Using standard ArcGIS software the subject property is located within an approximately 501 acre AG-80 district of which approximately 49.6 acres (9.9%) of the AG-80 district is being proposed for a zoning map amendment. The zoning map amendment would create a 49.6 acre I-1 zone with a 451 acre AG-80 district to the north and west; to the south is an existing SAG-10 district of approximately 21 acres, and to the east an existing R-1 district of approximately 109 acres. The zoning map amendment would benefit one land owner; however the new I-1 zoning district would be comparable in size to the existing R-1 and SAG-10 district that borders the subject property.

3. *The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.*

Since the zoning map amendment would apply to three tracts for the benefit of only one owner, this zoning map amendment may appear to be at the expense of the landowners to the south and east because of the contrast in zoning designations on adjacent properties. The requested map amendment to I-1 would primarily alter the minimum lot size permissible on the subject property and use. In the event the subject properties were subsequently developed to the greatest build-out possible the 7,500 square feet minimum lot size would result in a higher density development than currently established in the area and on adjacent properties. The surrounding property to the north, west and a portion of the south side is owned by the same land owner, Thompson Farms, LLC, as the subject property. The zoning map amendment would benefit one landowner but, not at the expense of the surrounding landowners and general public because even though higher densities are not allowed on surrounding properties, the zoning would be for clean light industrial buffered from surrounding landowners and the general public. Additionally if the Master Plan map amendment being processed in conjunction with the zoning amendment is approved it would be legislation to simply comply with the Master Plan.

All three criteria must be met for the application to potentially be considered spot zoning. In summary, the proposed zoning map amendment does not appear to be at risk of spot zoning because it does not meet all three of the criteria.

#### **F. Public Services and Facilities**

Sewer:	Individual septic systems or Evergreen Water and Sewer District
Water:	Evergreen Water and Sewer District
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy

Telephone: CenturyTel  
Schools: Kalispell School District (K-12)  
Fire: West Valley Fire District  
Police: Flathead County Sheriff's Office

#### **G. Criteria Used for Evaluation of Proposed Amendment**

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

#### **H. Compliance With Public Notice Requirements**

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject properties on September 14, 2012. Legal notice of the Planning Board public hearing on this application was published in the September 23, 2012 edition of the Daily Interlake.

Public notice of the October 29, 2012 Board of County Commissioners public hearing regarding the zoning map amendment was physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A] on August 24, 2012. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the date, time and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

#### **I. Agency Referrals**

Referrals were sent to the following agencies on July 13, 2012:

- Bonneville Power Administration
  - Reason: The subject property is located in close proximity to the transmission lines and increased development as a result of the zoning map amendment could necessitate review.
- City of Kalispell Planning Department
  - Reason: The subject property is located in close proximity to the annexed jurisdiction of the city and increased development as a result of the zoning map amendment may necessitate annexation into and use of city infrastructure.
- Department of Natural Resources and Conservation
- Evergreen Water and Sewer District
  - Reason: The subject property has been annexed into the district.
- Flathead Conservation District
  - Reason: The subject property is located adjacent to Whitefish River and increased development as a result of the zoning map amendment could impact the river.

- Flathead County Address Coordinator
  - Reason: Increased development resulting from the proposed zoning map amendment may impact existing services.
- Flathead County Attorney's Office
  - Reason: Potential for spot zoning.
- Flathead City-County Health Department; Environmental Health Services
  - Reason: Increased development as a result of the zoning map amendment may necessitate review by the Department.
- Flathead County Public Works/Flathead County Road Department
  - Reason: The zone change request has the potential to impact County infrastructure, should development occur in the future.
- Flathead County Sheriff
  - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing public services.
- Flathead County Solid Waste
  - Reason: The type and amount of solid waste resulting from uses permitted within the requested the zoning classification could have an impact on existing public services.
- Flathead County Weeds and Parks Department
  - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing public services.
- Montana Department of Transportation (MDT)
  - Reason: The subject property is located within a quarter mile of a state secondary roads and the zone change request has the potential to impact MDT infrastructure, should development occur in the future.
- Montana Fish Wildlife and Parks
  - Reason: The subject property is located within the vicinity of a fishing pond and increased development as a result of the zoning map amendment could impact existing services.
- West Valley Fire District
  - Reason: The subject property is located within the jurisdiction of the local fire district and increased development as a result of the zoning map amendment could impact the level of service available.
- United States Post Office
  - Reason: Increased development resulting from the proposed zoning map amendment may impact existing services.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for October 10, 2012 and/or the Commissioner's Public Hearing scheduled for October 29, 2012. Any written comments received following the completion of this report will be



provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

## **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Flathead County Road & Bridge Department
  - Comment: The County Road Department does not have any comments regarding these proposals.
- Montana Fish, Wildlife and Parks
  - Comment: Montana Fish Wildlife and Parks have no comment regarding this zone change request.
- Flathead County Solid Waste District
  - Comment: The District views no negative impact with solid waste issues at this time. The Districts requests that all solid waste generated at the proposed location be hauled by a licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area. Their business number is 406-257-1739.
- Flathead City County Health Department
  - Comment: Property is proposed to be served by the Evergreen water district. It is located far enough away from public sewerage that connection to sewer will not be required. However, an on-site sewer treatment system will likely be required to be designed by a professional engineer. A site evaluation shall be conduct by this office prior to any design work. Also even though the County does not have storm drainage regulations, a storm drainage system should be designed by a professional engineer in compliance with standards established by the Montana Department of Environmental Quality.
- City of Kalispell Planning Department
  - Comment: The Kalispell Planning Department does not have any comments at this time.
- Montana Department of Transportation
  - Comment: As this will be a change in use of an existing access then a new approach permit for access to the property is required to be approved by MDT. The owner's representatives have already been in contact with MDT regarding this proposal and are in the process of obtaining new approach permits.
- Bonneville Power Administration
  - Comment: BPA has no objection to the proposed change to the Master Plan. However, BPA has concerns about the private road that appears to access the property from Whitefish Stage Road, which passes between two transmission line structures located within BPA's right-of-way. BPA right-of-way easements are taken with certain restrictions on the underlying land. In order to maintain operation and

safety criteria, all activities planned within the BPA right-of-way need to be approved by BPA prior to their occurrence. Activities that block maintenance crews (such as the installation of fences) or safety concerns (such as buildings, public roads, driveways, utilities, small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner's expense.

#### **IV. EVALUATION OF PROPOSED AMENDMENT**

##### **A. Build Out Analysis**

Once a specific zoning designation is applied in a certain area, landowners have certain land uses that are allowed "by-right." A build-out analysis is performed to examine the maximum potential impacts of full build-out of those "by-right" uses. It is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not "best-case" or "worst case" scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zone change to the future of the community to allow for the best possible review.

##### Current Zoning

As previously stated, the subject property is currently zoned 'AG-80 Agricultural', defined in Section 3.04.010 FCZR as a "*district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*"

The following is a list of permitted uses in an 'AG-80' zone:

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Feed and seed processing and cleaning.
9. Feed lot: cattle, swine, poultry.
10. Fish hatchery.
11. Guest house.
12. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
13. Homeowners park and beaches.
14. Kennel.
15. Nursery, landscaping materials.

16. Park.
17. Produce stand.
18. Public transportation shelter station.
19. Public utility service installation.
20. Ranch employee housing.
21. Stable, riding academy, rodeo arena.

The following uses are listed as conditional uses in an 'AG-80' zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.\*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Communication tower/mast.
10. Community center building operated by a non-profit agency.
11. Contractor's storage yard (See Chapter IV – Conditional Use Standards).\*
12. Dwelling, family hardship.\*
13. Electrical distribution station.
14. Extractive industry.
15. Landfill, sanitary for disposal of garbage and trash.
16. Radio and television broadcast studio.
17. Recreational facility, low-impact.
18. Rifle range.
19. School, primary and secondary.
20. Temporary building or structure.\*
21. Water and sewage treatment plant.
22. Water storage facility.

\*Administrative Conditional Use Permit (See Section 2.06.045)

Bulk and dimensional standards under 'AG-80' zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures, while setbacks for accessory structures require 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from county roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures, and the permitted lot coverage is 20%.

Under the existing scenario the properties could not be divided due to size. Tract 4 of the subject property is currently used for agriculture and developed with two single family residences and out buildings, and there are minimal options for additional uses of the property under the current applicable zoning.

### Proposed Zoning

The proposed zoning map amendment would change the zoning on the subject property from 'AG-80 Agricultural' to 'I-1 Light Industrial'. The following is a list of permitted uses in an 'I-1 Light Industrial' zone:

1. Accessory apartments.
2. Animal related services such as pet grooming and training, veterinary clinic and animal hospital, taxidermy, aviary and farrier services.
3. Art foundry.
4. Auction yard, without livestock.
5. Automobile, RV, watercraft (new and used) and accessory sales.
6. Automobile service station.
7. Boat sales, new and used.
8. Bus station.
9. Car wash.
10. Cellular tower.
11. Church and other place of worship.
12. Contractors' storage yard and building supply outlet.
13. Day care center.
14. Direct mailing and telemarketing.
15. Farm equipment sales.
16. Feed, seed and farm supply, including grain elevators.
17. Financial institution.
18. Food store, supermarket, and delicatessen.
19. Health club.
20. Heating, ventilation, air conditioning and plumbing sales, service and repair.
21. Heavy equipment sales, rental and service.
22. High tech industrial business.
23. Hotel, motel.
24. Janitorial service.
25. Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:
  - A. Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.
  - B. Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment and boat building.
  - C. Processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages and beverage manufacturing and bottling.

- D. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture.
  - E. Storage and warehousing such as mini-storage, boat and vehicle storage.
26. Lodge and fraternal and social organization, provided that any such establishment shall not be conducted primarily for gain.
  27. Lumber yard, building materials; storage and sales.
  28. Manufactured home sales and storage.
  29. Nursery and landscape materials, wholesale and retail.
  30. Office.
  31. Parcel delivery service.
  32. Park and publicly owned recreational facilities.
  33. Public transportation shelter station.
  34. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
  35. Quasi-public building (fire station, government offices, etc.)
  36. Radio and television broadcast station.
  37. Recreational facility, high-impact.
  38. Recreational facility, low-impact.
  39. Recreational vehicle park.
  40. Recycling drop-off station.
  41. Rental store and yard.
  42. Research laboratory and institution.
  43. Retail sales and services.
  44. Restaurant.
  45. Security guard service.
  46. Theater, housed in permanent indoor structures.
  47. Tire recapping and retreading.
  48. Truck terminal.
  49. Wholesale trade and warehousing.

The following uses are listed as conditional uses in an 'I-1 Light Industrial' zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Auction yard, livestock.
2. Automobile wrecking yard, junkyard, salvage yard.
3. College, business school, trade school, music conservatory, dance school
4. Commercial caretaker's facility in a detached accessory building in conjunction with a business.\*
5. Commercial recreation area.
6. Communication tower/mast.
7. Convention hall facility.
8. Electrical distribution system.
9. Golf driving range and putting course.
10. Landfill, sanitary for disposal of garbage and trash.
11. Mini-storage, RV storage.
12. Mortuary.



13. Radio and television broadcast station.
14. Recycling processing plant.
15. Small wood product processing with five (5) or less employees.
16. Tavern.
17. Temporary building or structure.\*
18. Water storage facility.

The bulk and dimensional standards under 'I-1' zoning require minimum setbacks of 20 feet from the front, rear and side-corner property boundaries, and 10 feet from the side property boundaries for all structures. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from county roads classified as collector or major/minor arterials. The maximum allowable building height is 40 feet for all structures and permitted lot coverage is not applicable.

Minimum lot size in an 'I-1' zone is 7,500 square feet. Development standards anticipate approximately 30% of the total land area being allocated to infrastructure. Thus under the proposed zoning the subject properties could potentially be divided in a manner resulting in a total of 201 individual industrial lots; however floodplains, and other environmental constraints may preclude that number of units from actually being able to be developed. The deployment of 201 lots on the subject property seems unlikely as it is not the most economically feasible arrangement for light industrial land uses. Further, the subject properties could potentially be independently divided, through various means including subdivision process. Multiple principal uses may be allowed on a single lot in an I-1 zoning district upon the issuance of a Conditional Use Permit, per Section 3.03.020(3).

In summary, the requested zone change from 'AG-80' to 'I-1' has the potential to increase density through subsequent division in the future. The bulk and dimensional requirements vary from 'AG-80' to 'I-1.' The map amendment would introduce uses to the subject property or general area that are typical of industrial zoning districts and which are not similar to uses that are allowed under the existing agricultural zoning on the property and zoning designations of the surrounding areas.

**B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)**

**i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.**

The proposed zoning map amendment falls within the jurisdiction of both the Flathead County Growth Policy, adopted on March 19, 2007 (by Resolution #2015 A), and the Kalispell City-County Master Plan Year 2010, adopted on February 6, 1986 by Resolution #578A).

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as 'Agricultural' based solely upon the zoning established at the time the map was created. Although the proposed industrial designation contrasts

with the current agricultural designation a variety of goals and policies within the text of the Growth Policy and pertaining to land use, transportation, public services and utilities as well as natural resources have been found to generally support the zoning map amendment requested.

- G.5 – Adequate industrial land in area that are close enough to goods and services to be efficient but far enough from other uses to offset objectionable impacts to the human and natural environment.
- P.5.5 Restrict industrial uses that cannot be mitigated near incompatible uses such as residential, schools, environmentally sensitive areas such as wetlands, floodplains, riparian areas, areas of shallow groundwater, etc.
- G.21 A healthy and vibrant Flathead County economy that provides diversity and living-wage job opportunities and is comprised of sustainable economic activities and private sector investments.
- P.21.1 Provide adequate land area designated for commercial and industrial use to promote affordability, creating entrepreneurialism and/or businesses relocation to Flathead County.
- G.31 Growth that does not place unreasonable burden on the ability of the school district to provide quality education.
- G.32 Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.
- G.33 Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.
- G.45 Honor the integrity and purpose of existing neighborhood plans respecting the time and effort of the community involvement that has taken place.

The proposed zoning amendment is being mitigated near incompatible uses by buffering such use from residents with continued agricultural use and open space, not building on the portion designated as floodplain zone AE and would allow for light industrial uses and services that typically do not create objectionable by-products such as dirt, noise, glare, heat, odor and smoke. The proposed zoning map amendment would allow for creation of new jobs and help diversify the economy while promoting entrepreneurialism. The proposed map amendment would not create an unreasonable burden on the ability of the school district to provide quality education, would likely allow for emergency service to maintain a consistently high level of fire, ambulance and police services.

**Finding #1:** The proposed zoning map amendment to I-1 from AG- 80 complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the ‘Agriculture’ land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created.

Staff evaluated the Kalispell City-County Master Plan Year 2010 (Master Plan) to determine if the proposed zoning map amendment is made in accordance with the Neighborhood Plan. Upon review of the Master Plan staff determined the text, goals and objectives the proposed map amendment may impact.

As shown in Figure 5 below, the Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010 designates the area in which the subject property is located as 'Agriculture/Silviculture.' According to the text of the plan, 'Agriculture/Silviculture' are "*areas devoted to the raising and harvesting of crops; feeding breeding and management of livestock; dairying; horticulture and growing and harvesting of timber.*" However, the proposed zoning map amendment is being done in conjunction with a proposed Master Plan map amendment to amend the land use designation of the subject property from 'Agriculture/Silviculture' to 'Light Industrial.' A "*district which provides for manufacturing, fabricating processing storage, and transportation uses that do not create nuisances such as noise, dust, heat, odor, smoke, vibrations, etc.*" Should the amendment to the Kalispell City-County Planning Jurisdiction Master Plan Year 2010 be approved the proposed zoning map amendment would be in compliance with the Master Plan map.

The Master Plan serves as a localized planning tool for the area surrounding the City of Kalispell, and the Master Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. The Kalispell City-County Master Plan Year 2010 states, "*The Master Plan is composed of three major components –The Text, the Master Plan Map, and Goals and Objectives. All three of these components are equally important and must be equally weighed. To adequately interpret and implement the Plan, all three must be consulted for insight and direction. Relying on only one component will not always give a clear picture of the broad community concepts or the spirit of the Plan. Or worse, it may lead to a twisting or manipulation of the Plan.*"

It appears the proposed zoning map amendment is supported by the text of the Master Plan. Text in Chapter 5 of the Kalispell City-County Master Plan Year 2010 reads "*industrial development is sorely deficient. The entire Planning Jurisdiction contains only one-half (1/2) and Kalispell contains only one-fifth (1/5) of the industrially developed land normally found in a community of similar size.*" The plan also states that, "*a major emphasis is to be placed on light industrial development which will not compromise the outstanding air and water quality for which the Flathead Valley is known and provides,*" and "*industrial land and development provides a twofold benefit to an area. First, industrial land is a major component of the local tax base. Typically, industrial lands pay a far greater proportion in taxes than are received back in services. Second, industrial developments are a major source of employment and usually create additional local employment via the multiplier effect. Industrial development on the average*

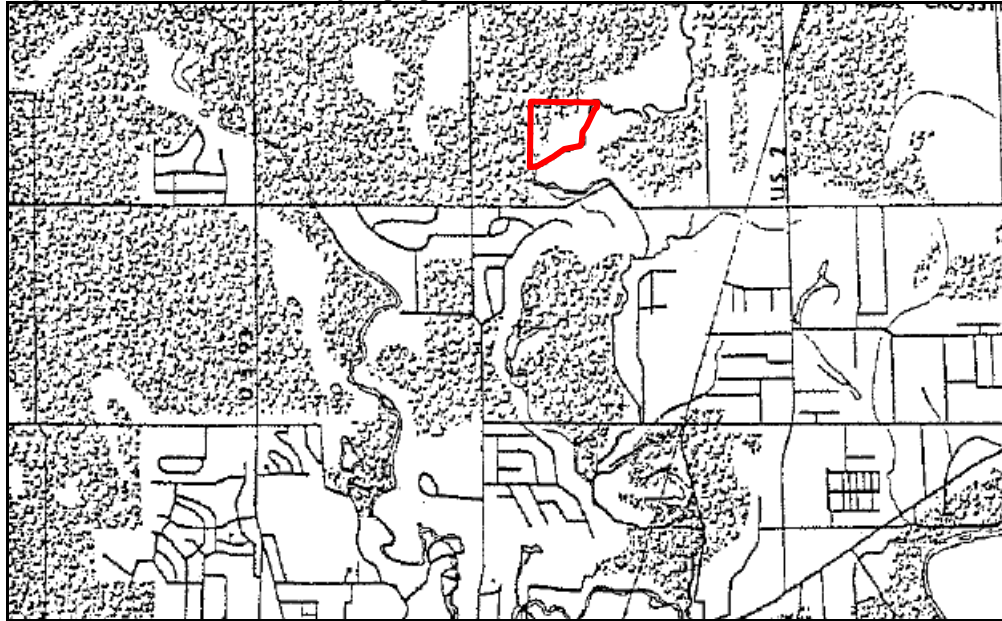
*is responsible for creating 1.5 to 2 additional local supports, service or retail jobs (non-basic) for each industrial (basic) job in a given area.”*

Chapter 5 Land Uses of the Master Plan defines light industrial as, *“a district which includes manufacturing, fabricating, processing, storage, and transportation uses that do not create nuisances such as noise, dust, heat, odor, smoke, vibrations, etc. Districts should have immediate access to air, rail, and arterial or collector streets. Community water and sewer accessibility is important. Districts should not be located adjacent to residential or light intensity commercial districts. If so located, adequate buffering and setbacks must be incorporated. Direct ingress-egress into residential neighborhoods must be avoided.”* The Master Plan also discusses locations for light industrial districts as, *“planned for adjacent to the municipal airport, adjacent, to the Burlington Northern tracks in uptown Kalispell and on the northern fringes of the Kalispell Planning Jurisdiction at the Highway 93- West Reserve Drive intersection and the Highway 2 – Reserve Drive intersection.”*

The location of the proposed industrial zoning is on the northern fringes of the Kalispell Planning Jurisdiction, northeast of the intersection of West Reserve Drive and Whitefish Stage Road but not an area specifically mentioned in the Master Plan. The property is serviced with water by Evergreen Water and Sewer District, and has been annexed into the Evergreen Water and Sewer District. The property is adjacent to residential and agricultural uses but is buffered from the residential by the Whitefish River and open space. Ingress and egress to the subject property would be off two arterial roads, Whitefish Stage Road and West Reserve Drive and would not traverse directly through residential neighborhoods.

Figure 6 of the Master Plan addresses environmental considerations for new growth within the plan area and shows growth deterrents including floodplain, steep slopes and unfavorable soils. Figure 6A of the Master Plan illustrates areas of prime farmland within the Kalispell City-County Planning Jurisdiction. It appears that the southeastern side of the property along the Whitefish River is located in an area where growth is deterred and shown as a floodplain. The Flathead County Floodplain and Floodway Management Regulations regulate development in a floodplain. However the applicant has indicated the development would occur on higher ground outside the floodplain and it appears the majority of subject property is located outside the area designated as prime farmland as shown in Figure 5 below.

**Figure 5:** Prime Farmland subject properties outlined in red.



The following goals and objectives of the Master Plan appear applicable to the proposed zoning map amendment:

- 1 Growth Management – A comprehensive, effective growth management program which provides for all the needs of the community is adaptable to changing trends and is attuned to the overall public welfare.
3. Environment – Air, water, open space and scenic vistas unhindered by pollution, blight or other factors.
  - a. Establish strict standards for all development which occurs in environmentally sensitive or critical areas such as floodplains, lakeshores, drainage ways or excessive slope areas.
  - b. Where appropriate, preserve areas within the 100 year floodplain in a natural state as parkland, wildlife habitat, open space or agriculture.
    - The applicant is not proposing to build in the 100 year floodplain or on the slope area on the southeastern side of the property, but instead proposing to preserve it as open space. The Flathead County Floodplain and Floodway Management Regulations would regulate any development that occurred in a floodplain as a result of this Master Plan map amendment.
5. Economy
  - b. Identify and conserve prime farm lands in order to retain farming as a viable sector of the economy.
    - The northern and western edges of the property are designated as Prime Farmlands in the Kalispell City-County Master Plan Year 2010, see Figure 5 above. While this may seem inconsistent, the aerial



photograph and site plan show the existing structures and proposed structure located outside the area designated as prime farmland. The applicant has stated that a ring of agriculture shall be preserved around the subject property. The industrial use could potentially provide a funding source to maintain agricultural production on the surrounding property.

- g. Promote the location of business and clean light industrial so as to provide job opportunities and maintain Kalispell's position as a retail shopping center for northwest Montana.
  - The applicant has stated that the proposed zoning map amendment would allow for a light industrial use consistent with the definition of 'I-1 Light Industrial,' *"a district to provide areas of light industrial uses and services that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein"* [Section 3.27 FCZR].
- 6. Land Use – The orderly development of the planning jurisdiction with ample space for future growth while, at the same time, ensuring compatibility of adjacent land uses.
  - e. Establish additional areas for light industrial expansion within or directly adjacent to the city. Target clean light industrial uses around the airport away from height restricted areas to serve as a buffer for adjacent land uses and to take advantage of airport transportation services.
    - The proposed map amendment would establish additional areas for light industrial near annexed areas of the city.
- 8. Public Facilities
  - a. Designate areas of future development which are already serviced or area in areas which can be economically serviced by water and sewer, police and fire protection, etc.
    - The property is not located directly adjacent to the City of Kalispell, but it is less than a half mile from the city limits and the city is annexing west of the subject property. The area directly to the south is built to urban densities and serviced by the Evergreen Water and Sewer District. The subject property is serviced by a main water extension from Evergreen Water and Sewer District and has been annexed into the Evergreen Water and Sewer District. The application states it will be serviced by on-site sewer.
    - The property is within West Valley Fire District and served by the Flathead County Sheriff's office. It appears that the subject property can be economically serviced by water and sewer, police and fire protection.

## 12. Agriculture

- d. Recognize that this resource should be protected by allowing the limited conversion of agricultural lands only if those areas which are not productive agricultural lands or where these lands are needed for proper urban expansion.
  - The applicant owns approximately 250 acres adjacent to the subject property all of which the applicant has stated will remain in agriculture production, thus limiting the conversion of agricultural lands and conserving farmlands to retain farming as a viable sector of the economy.
- i. Direct growth to already established urban areas and rural areas which are not environmentally sensitive or productive agricultural lands.
  - The area being proposed for development is currently not being used for growing crops and is near established urban areas.
- k. Avoid extending municipal services and roads into agricultural lands which would result in the premature development of such areas.
  - It appears that the extension of water lines would not result in premature development of agricultural lands for several reasons. The subject property has been annexed into the Evergreen Water and Sewer District and the City of Kalispell has annexed land within a half mile of the subject property. The proposed map amendment will make up for a deficiency in industrial designated land addressed in the Master Plan. It appears that the subject property can be economically serviced by water and sewer, police and fire protection. Additionally the applicant is proposing to keep the surrounding land in agricultural production to provide a buffer between the proposed use and residential areas. The adjacent Two Rivers Neighborhood Plan has relevance on land use designations on adjacent properties. Land use designations changed on neighboring properties with the adoption of the Two River Neighborhood Plan in that properties to the northeast were designated *Urban* and *Rural Residential*, and a swath of land under the power lines, north of the subject property was designated as *Open Space*.

**Finding #2:** The proposed zoning map amendment to I-1 from AG-80 does not currently comply with the Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010, because the property land use designation is Agriculture/Silviculture, however the applicant has applied for a Master Plan map amendment in conjunction with the zoning map amendment, and if approved the zoning map amendment would comply with Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010.

**Finding #3:** The proposed map amendment does not specifically comply with the Master Plan's designated locations for light industrial because the area being

proposed for a change in land use is not specifically listed in the text on page 47 in Chapter 5.

**Finding #4:** The proposed Master Plan map amendment appears to comply with the overall text of Master Plan that states the attributes of where light industrial should be located because the Master Plan notes a deficiency in industrial uses within the planning jurisdiction, the proposal would add industrial acreage, the subject property is serviced with public water, buffered from residential uses by the Whitefish River and open space and ingress/egress would be off two arterial roads, and not traverse directly through residential neighborhoods.

**Finding #5:** The proposed zoning map amendment appears to generally comply with the goals and objectives of Kalispell City-County Master Plan Year 2010, because the applicant is not proposing to build in the 100 year floodplain or on steep slopes, would establish a clean light industrial use, is serviced by Evergreen Water, by on-site sewer, West Valley Fire District and the Flathead County Sheriff's office, is near established urban areas, and would limit the conversion of prime agricultural lands.

**ii. Whether the proposed map amendment is designed to:**

**1. Secure safety from fire and other dangers;**

The subject property has direct driveway access onto Whitefish Stage Road through the landowner's adjacent property. Whitefish Stage Road is a state secondary highway with a 24-foot wide paved surface within a 60-foot wide road and utility easement. West Reserve Drive is a paved state secondary road with two travel lanes and a center turn lane. Bonneville Power Administration (BPA) has concerns about the alignment of the private road that accesses the property from Whitefish Stage Road. The road passes between two transmission line structures located within BPA's right-of-way, the possibility of the steel lattices being damaged increases with the additional traffic entering and exiting the property as described in the proposed amendment. Based on a site plan submitted by the applicant the existing access will be shifted to north along Whitefish Stage Road and an additional access will approach onto West Reserve Drive.

The subject property is located within the West Valley Fire District, and the nearest fire and emergency response center is located approximately 1.3 miles north on Whitefish Stage Road. The subject property is not located in the Wildland Urban Interface or within the Fire District Priority Area and the West Valley Fire Department would respond in the event of a fire or medical emergency.

The subject property contains area mapped as special flood hazard area (100 year floodplain) on FEMA FIRM Panel 30029C1810G; however the applicant is not proposing to develop the lower elevation portion of the property.

Flathead County Floodplain and Floodway Management Regulations would regulate any development that occurs within floodplains.

**Finding #6:** The proposed map amendment would secure safety from fire and other dangers because the subject property would be accessed from two approaches using adequate public and private infrastructure able to accommodate emergency vehicles safely and efficiently, the property is located within the West Valley Fire District who would be able to provide an adequate level of service in the event of a fire or medical emergency, and because the anticipated light industrial use would not be situated in the 100 year floodplain.

**2. Promote public health, public safety, and general welfare;**

The property is located within the West Valley Fire District which provides fire and emergency medical services and the Flathead County Sheriff's Department provides police services to the subject property. I-1 Light industrial is defined as a district to *provide areas for light industrial uses and service uses the typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors some etc.)*, per Section 3.27.010 FCZR. The applicant has stated the proposed use will be a clean light manufacturing business consistent with the proposed light industrial zoning classification, and as such it is not anticipated to adversely impact public health, safety or general welfare. If the landowner does not develop, uses in I-1 and the Flathead County Floodplain and Floodway Management Regulations would protect and promote public health, safety and general welfare.

**Finding #7:** The proposed zoning map amendment from 'AG-80 Agricultural' to 'I-1 Light Industrial' would not have a negative impact on public health, safety and general welfare because the property is served by the West Valley Fire Department, Flathead County Sheriff, and future development would comply with the proposed uses in an I-1 zone and the floodplain regulations.

**3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.**

While potential additional industrial development on the subject property may be accomplished through a subsequent process, it is anticipated substantial future industrial development would require additional review, at which time specific impacts to transportation, water and sewer services, would be considered and mitigated as determined to be appropriate.

The subject property is currently accessed from Whitefish Stage Road, a state maintained paved state secondary highway, and is located approximately a quarter mile north of West Reserve Drive also a paved state secondary highway. The applicant is proposing moving the existing driveway to the north on Whitefish Stage Road and adding a second access approaching onto West Reserve Drive.

Traffic counts taken by the Montana Department of Transportation (MDT) for the Whitefish Stage Road in 2011 indicate annual average daily traffic to be 3,580 vehicle trips per day north of West Reserve Drive and 12,270 vehicle trips per day on West Reserve Drive east of Whitefish Stage Road. The application states that the proposed zoning map amendment would allow for the applicant to start a new light industrial business with up to 100 employees, therefore it is reasonable to assume that the average daily trip (ADT) generation should be based on 100 employees. As the average daily trip generation for general light industrial is 3.02 per employee, the proposed zone map amendment could generate an additional 302 ADT, which would contribute to an increase of 8.4% ADT on Whitefish Stage Road or an increase of 2.5% on West Reserve Drive. West Reserve Drive is designed for high traffic volumes and it is anticipated that the majority of the traffic generated from the proposed use would access West Reserve Drive.

Staff conducted research to find the best available data regarding the current level of service (LOS) for both Whitefish Stage Road and West Reserve Drive. Upon searching the Montana Department of Transportation (MDT) website staff found a study done by City of Kalispell, MDT and Federal Highway Administration, which was incorporated into the Kalispell Area Transportation Plan (2006 Update)<sup>1</sup>. The level of service for the intersection of Whitefish Stage Road and West Reserve Drive intersection is 'C,' considered to be acceptable. The use anticipated as a result of the proposed map amendment may contribute more traffic to the intersection of Whitefish Stage Road and West Reserve Drive, although the exact amount is difficult to estimate at this time. It is anticipated that MDT could better handle the changes in traffic volume and access to both Whitefish Stage Road and West Reserve Drive.

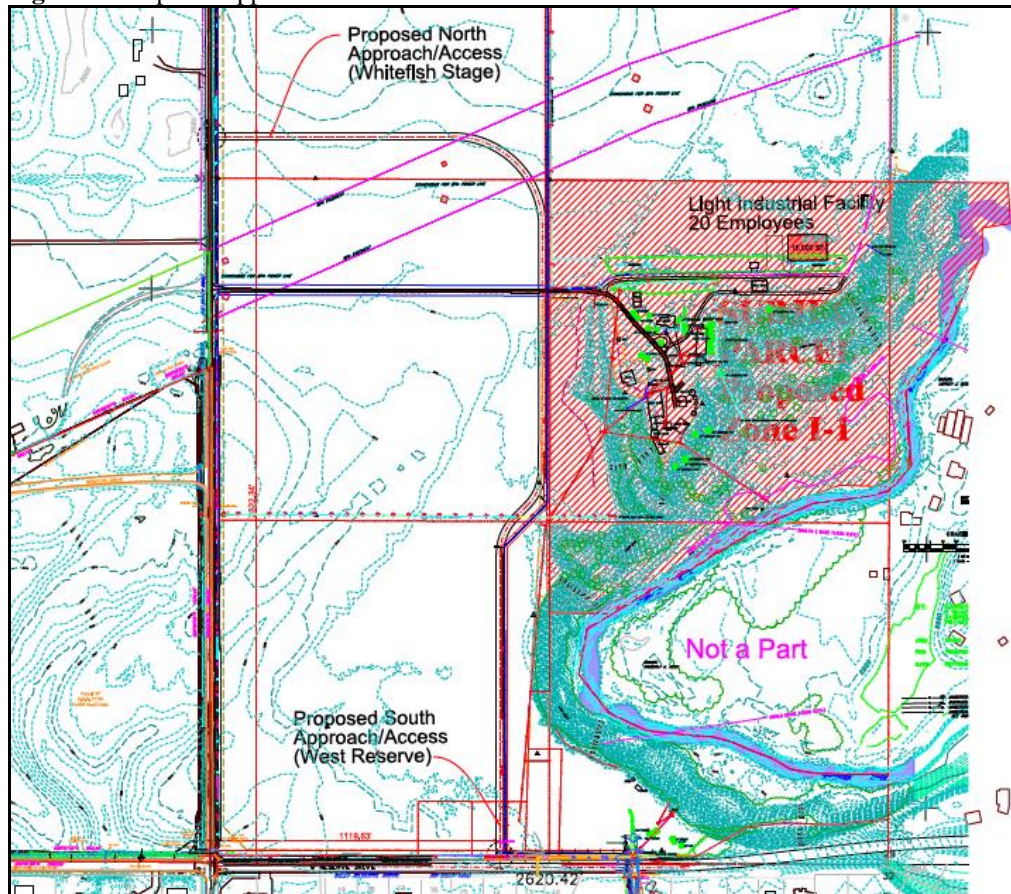
Comment received from the MDT states that because this will be a change in use of an existing access, a new approach permit for access to the property is required to be approved by MDT. The owner's representative has already made contact with MDT regarding this proposal and is in the process of obtaining new approach permits. The application includes a site plan that reflects the discussions with MDT.

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<sup>1</sup> Robert Peccia and Associates (2008). *Kalispell Area Transportation Plan (2006 Update)*.



**Figure 6:** Proposed approaches



The applicant has stated that the subject property will be serviced by Evergreen Water and Sewer District, to connect to public water, and they will work with Flathead City-County Health Department to develop an on-site sewer system to meet the needs of the business. Comments received from the Flathead City-County Health Department state the on-site sewage treatment system will likely be required to be designed by a professional engineer, a site evaluation would be conducted by their office prior to any design work, and a storm drainage system should be designed by a professional engineer in compliance with standards established by the Montana Department of Environmental Quality.

While the subject property is located within the Kalispell/Flathead School District, it is noted the proposed industrial use would not generate any school children. The zoning map amendment from 'AG-80 Agricultural' to 'I-1 Light Industrial' would not impact the existing park system because no demand on existing parks would be created.

**Finding #8:** The subject property appears to facilitate the adequate provision of transportation because the proposal would include an internal road with two separate approaches onto state secondary highways which would be established in accordance with MDT requirements.

**Finding #9:** The proposed zoning map amendment would facilitate the adequate provision of water, sewer, schools and parks by utilizing individual septic systems, a connection to public water services and the proposal would not generate school children or impact parks.

**iii. In evaluating the proposed map amendment, consideration shall be given to:**

**1. The reasonable provision of adequate light and air;**

The property is currently developed with a home, grain bins, a barn and other building. The farmland surrounding the subject property owned by the same landowner would remain in agricultural production and open space along the river would create a buffer from adjacent uses. While the proposed zoning map amendment has the potential to increase development density on the subject properties, any additional lots created would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot size requirements of the 'I-1' zoning classification. The bulk and dimensional requirements for 'I-1' zoning are different to those of the existing 'AG-80' zoning at the location with the exception of the front, side corner and rear setbacks. These minimum standards for I-1 district and the agriculture buffer around the subject property would ensure there is adequate light and air available to the subject property as well to the surrounding area.

**Finding #10:** The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because the property will be buffered by agriculture and open space, and future development would be required to meet the bulk, dimensional and permitted lot coverage requirements of the 'I-1' zoning, which are different to the bulk and dimensional requirements of the current 'AG-80' zoning.

**2. The effect on motorized and non-motorized transportation systems;**

The subject properties have an existing driveway approaching onto Whitefish Stage Road which currently serves as primary access to the site. The applicant is proposing to shift the existing access further north on Whitefish Stage Road and add an additional access from West Reserve Drive. Whitefish Stage Road and West Reserve Drive are both paved state maintained secondary highways. Sight distance along Whitefish Stage Road and West Reserve Drive at the intersection of the proposed approaches onto the subject properties appears adequate considering the straight flat nature of the road near the subject property.

Staff conducted research to find the best available data regarding the current level of service (LOS) for both Whitefish Stage Road and West Reserve Drive. Upon searching the Montana Department of Transportation (MDT) website staff found a study done by City of Kalispell, MDT and Federal Highway Administration, which was incorporated into the Kalispell Area

Transportation Plan (2006 Update)<sup>2</sup>. The intersection of West Reserve Drive and Whitefish Stage Road is shown to have an AM and PM Peak LOS of ‘C’ considered to be good, operating at or near free-flow. The use anticipated as a result of the proposed map amendment may contribute more traffic to the already congested intersection of Whitefish Stage Road and West Reserve Drive, although the exact amount is difficult to estimate at this time. It is anticipated that MDT could better handle the changes in traffic volume and access to both Whitefish Stage Road and West Reserve Drive.

Bonneville Power Administration (BPA) has concerns about the private road that appears to access the property from Whitefish Stage Road, which passes between two transmission line structures located within BPA’s right-of-way, the possibility of the steel lattices being damaged increases with the additional traffic entering and exiting the property as described in the proposed amendment. According to BPA they impose certain conditions on the portions of those properties encumbered by its high voltage transmission line right-of-way, do not allow structures to be built within the right-of-way, nor does it allow for access to be blocked to any transmission facilities, any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction and information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at 406-751-7824. The applicant is aware of BPA concerns and has submitted a site plan showing the proposed new locations for the approaches.

While there are no existing bike/pedestrian facilities currently located along Whitefish Stage Road or West Reserve Drive in the vicinity of the subject property, potential future development may result in development of a bike/pedestrian trail along both roads near the subject property as those locations are identified in the Flathead County Trails Plan as part of a proposed arterial pathway which would hypothetically provide non-motorized connectivity between Kalispell and Whitefish.

**Finding #11:** Effects on motorized and non-motorized transportation systems will likely be moderate because Bonneville Power Administration requires permitting for any activity that occurs within the right-of-way, sight distances along both West Reserve Drive and Whitefish Stage Road and at the intersection of the driveway onto the subject properties appear adequate, traffic is at or near free-flow, and the subject property does not abut existing or proposed bike/pedestrian facilities.

**3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);**

The property is not located directly adjacent to the City of Kalispell, but the area directly to the south is built to urban densities and serviced by the

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<sup>2</sup> Robert Peccia and Associates (2008). *Kalispell Area Transportation Plan (2006 Update)*.

Evergreen Water and Sewer District. The City of Kalispell is located less than a half from the subject property, and the proposed zoning map amendment appears both compatible and non-compatible with some areas of the Kalispell City-County Master Plan Year 2010.

The Master Plan map designates the location as ‘Agriculture/Silviculture’ which does not support the zone change. However a map amendment request is being processed concurrently with the zoning map amendment to ‘Light Industrial’. The applicant states although the existing zoning and the Master Plan designates the area as ‘Agriculture’ change in policy on surrounding properties over the past 25 years has clearly been towards urban densities. In 2005 the county adopted the Two Rivers Master Plan near the subject property with higher urban densities, many of which had been previously classified as ‘Agricultural/Silviculture’ by the Kalispell City-County Master Plan Year 2010.

The zoning map amendment appears to be supported in that the Kalispell City-County Master Plan Year 2010 calls out a deficiency in industrial uses within the planning jurisdiction. The text, goals and objectives of the Master Plan that are applicable seem to support the zone change.

The Kalispell Growth Policy Future Land Use Map, adopted by the City of Kalispell in 2009, designates the subject property as ‘Urban Residential’ and ‘High Density Residential.’ The surrounding property is designated as ‘Urban Residential,’ ‘High Density Residential,’ ‘Public or Open Space,’ ‘Neighborhood Commercial,’ ‘Industrial,’ and ‘Urban Mixed Use.’ According to a disclaimer on the Kalispell Growth Policy Future Land Use Map, *“land use designations indicated on this map are only applicable when the property is proposed for annexation, and do not have any effect on lands under county jurisdiction with regard to zoning, density, subdivision or other land use decisions.”*

**Finding #12:** The proposed zoning map amendment would be compatible with current plans regarding urban growth in the Kalispell and Evergreen area because the text, goals and objectives of the Kalispell City-County Master Plan Year 2010 generally support the zone change and the concurrently proposed Master Plan map amendment, if approved, would support it.

**Finding #13:** The proposed amendment appears to be compatible with the Kalispell Growth Policy Land Use Map because neighboring properties are designated as ‘Industrial,’ according to the language on the map, the land uses designations do not have any effect on lands under county jurisdiction and the Kalispell plan specifically contemplates a higher intensity of land use on and around the subject property, which may still be developed due to the large agricultural buffer.

**4. The character of the district(s) and its peculiar suitability for particular uses;**

The property is currently used for agricultural purposes and much of the surrounding properties to the north and west will remain agricultural. The application states that the applicant demonstrated that in the development of the Semitool complex, now Applied Materials located to the west of the subject property, an appealing industrial complex can be constructed within a ring of agricultural fields. The agricultural uses allows for a buffer from low density residential in the immediate area.

The permitted and conditional uses found under the proposed 'I-1 Light Industrial' zoning differ greatly to those listed under the existing 'AG-80 Agricultural' zoning. The proposed zoning map amendment would allow for the future division of the subject properties, with the potential to create lots with a minimum size of 7,500 square feet. The smaller lots would not be consistent with the character of the current zoning use districts or in the immediate vicinity of the subject property.

**Finding #14:** The proposed zoning map amendment appears to be suitable for the particular use because agricultural and open space would allow for a buffer between higher density industrial and lower density uses.

**5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

Directly adjacent to the subject property is land currently in agricultural production to the north, south and west, and developed residential with single family residence and associated accessory structures to the east and south. The proposed use is consistent with the existing BPA substation and the Applied Materials located to the west about a half mile from the subject property.

The proposed 'I-1 Light Industrial' zone is intended for light industrial uses and services that typically do not create objectionable by-products which extend beyond the lot lines. The applicant has stated the agricultural use and the light industrial use is a compatible mix and occurs in many areas of the county, including west of the subject property on at the Applied Materials site. The property Applied Materials is located on is a similar size and zoned industrial, and is located in close proximity to the subject property and buffered by agriculture.

Less than one half mile from the subject property is approximately 69 acres zoned I-1, west of Whitefish Stage Road along West Reserve Drive (the Applied Materials site). Within the area of the subject property there is a range of zoning from agriculture to industrial. Therefore, overall allowing the zoning of the subject property to change to I-1 would allow uses on the property that do not differ significantly from the mix of prevailing uses allowed under the existing zoning in the area and would not adversely affect the value of the existing buildings because the proposed zoning is buffered by agricultural use, forest, open space and the Whitefish River.

**Finding #15:** The zoning map amendment appears to conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing new industrial uses in a location that can be buffered by agriculture land and open space from existing residential use.

iv. **Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.**

The nearest municipality is the City of Kalispell, which is a separate jurisdiction from the County and governed by a separate set of zoning regulations. However the subject property is located within a half mile of the annexed areas Kalispell which the city designates as B-2/PUD and R-4. The City of Kalispell was asked to comment on this proposal but responded saying they do not have any comments at this time. The most recent properties annexed by the City of Kalispell have been zoned PUDs. If the neighboring properties were annexed into the city, based on recent trends, it would be zoned PUD. PUDs allow for greater flexibility and multiple uses. According to the Kalispell Zoning Ordinance, a PUD (Planned Unit Development) District, *“shall serve as an overlay zoning district. It shall function in concert with one or more of the underlying zones to provide a comprehensive, integrated development plan which will serve to modify the underlying zone and, where appropriate, subdivision standards with the intent of providing flexibility of architectural design and density as well as providing the option to mix land uses and densities while preserving and enhancing the integrity and environmental values of a area.”* Because of the PUD overlay, it is difficult to identify the precise zoning requirements for a subject property.

**Finding #16:** The proposed map amendment appears to be compatible with the zoning ordinance of the City of Kalispell because a PUD serves to modify an underlying zone, provide a mix land uses and densities while preserving environmental values of an area.

## V. SUMMARY OF FINDINGS

**Finding #1:** The proposed zoning map amendment to I-1 from AG- 80 complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the ‘Agriculture’ land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created.

**Finding #2:** The proposed zoning map amendment to I-1 from AG-80 does not currently comply with the Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010, because the property land use designation is Agriculture/Silviculture, however the applicant has applied for a Master Plan map amendment in conjunction with the zoning map amendment, and if approved the zoning map amendment would comply with Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010.

**Finding #3:** The proposed map amendment does not specifically comply with the Master Plan's designated locations for light industrial because the area being proposed for a change in land use is not specifically listed in the text on page 47 in Chapter 5.

**Finding #4:** The proposed Master Plan map amendment appears to comply with the overall text of Master Plan that states the attributes of where light industrial should be located because the Master Plan notes a deficiency in industrial uses within the planning jurisdiction, the proposal would add industrial acreage, the subject property is serviced with public water, buffered from residential uses by the Whitefish River and open space and ingress/egress would be off two arterial roads, and not traverse directly through residential neighborhoods.

**Finding #5:** The proposed zoning map amendment appears to generally comply with the goals and objectives of Kalispell City-County Master Plan Year 2010, because the applicant is not proposing to build in the 100 year floodplain or on steep slopes, would establish a clean light industrial use, is serviced by Evergreen Water, by on-site sewer, West Valley Fire District and the Flathead County Sheriff's office, is near established urban areas, and would limit the conversion of prime agricultural lands.

**Finding #6:** The proposed map amendment would secure safety from fire and other dangers because the subject property would be accessed from two approaches using adequate public and private infrastructure able to accommodate emergency vehicles safely and efficiently, the property is located within the West Valley Fire District who would be able to provide an adequate level of service in the event of a fire or medical emergency, and because the anticipated light industrial use would not be situated in the 100 year floodplain.

**Finding #7:** The proposed zoning map amendment from 'AG-80 Agricultural' to 'I-1 Light Industrial' would not have a negative impact on public health, safety and general welfare because the property is served by the West Valley Fire Department, Flathead County Sheriff, and future development would comply with the proposed uses in an I-1 zone and the floodplain regulations.

**Finding #8:** The subject property appears to facilitate the adequate provision of transportation because the proposal would include an internal road with two separate approaches onto state secondary highways which would be established in accordance with MDT requirements.

**Finding #9:** The proposed zoning map amendment would facilitate the adequate provision of water, sewer, schools and parks by utilizing individual septic systems, a connection to public water services and the proposal would not generate school children or impact parks.

**Finding #10:** The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because the property will be buffered by agriculture and open space, and future development would be required to meet the bulk,

dimensional and permitted lot coverage requirements of the 'I-1' zoning, which are different to the bulk and dimensional requirements of the current 'AG-80' zoning.

**Finding #11:** Effects on motorized and non-motorized transportation systems will likely be moderate because Bonneville Power Administration requires permitting for any activity that occurs within the right-of-way, sight distances along both West Reserve Drive and Whitefish Stage Road and at the intersection of the driveway onto the subject properties appear adequate, traffic is at or near free-flow, and the subject property does not abut existing or proposed bike/pedestrian facilities.

**Finding #12:** The proposed zoning map amendment would be compatible with current plans regarding urban growth in the Kalispell and Evergreen area because the text, goals and objectives of the Kalispell City-County Master Plan Year 2010 generally support the zone change and the concurrently proposed Master Plan map amendment, if approved, would support it.

**Finding #13:** The proposed amendment appears to be compatible with the Kalispell Growth Policy Land Use Map because neighboring properties are designated as 'Industrial,' according to the language on the map, the land uses designations do not have any effect on lands under county jurisdiction and the Kalispell plan specifically contemplates a higher intensity of land use on and around the subject property, which may still be developed due to the large agricultural buffer.

**Finding #14:** The proposed zoning map amendment appears to be suitable for the particular use because agricultural and open space would allow for a buffer between higher density industrial and lower density uses.

**Finding #15:** The zoning map amendment appears to conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing new industrial uses in a location that can be buffered by agriculture land and open space from existing residential use.

**Finding #16:** The proposed map amendment appears to be compatible with the zoning ordinance of the City of Kalispell because a PUD serves to modify an underlying zone, provide a mix land uses and densities while preserving environmental values of an area.

## **VI. CONCLUSION**

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with the review criteria, based upon the draft 16 Findings of Fact presented above.